

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	Chapter 11
	§	
LOADCRAFT INDUSTRIES, LTD.	§	Case No. 21-11018-tmd-11
	§	
Debtor.	§	Adversary Proceeding: 22-01001

DECLARATION OF CHARLES HINKLE

I make this Declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

1. “My name is Charles Hinkle. I am over the age of 18 years and fully competent to make this Declaration.

2. “Exhibits 3 and 4 to the Brief in Support of the Opposition to the Adversary Proceeding are true and correct copies of the Written Consent of the Managers of Brady Plant Operators, LLC in Lieu of a Special Meeting of the Managers signed by me and Brian Alphonso on December 23 and 29, 2021 and accurately reflect the actions taken by Brady Plant Operators, LLC on those days and are valid.

3. “I am a manager of Brady Plant Operators, LLC. Until this bankruptcy was initiated, and I received a communication from Terry McIver, I had no knowledge that Terry McIver had taken any action to remove me as a manager of the general partner, Brady Plant Operators, LLC. It is my contention that this action is void because I was not given the opportunity to be present and/or vote on the matter.

4. “Until quite recently, I had no knowledge of the Sale/Lease Back agreement between Loadcraft and Window Operating . I did not approve this transaction and it was done without my knowledge or consent. Given the obvious breaches of fiduciary duty that have come to light so far, Mr. McIver should not be permitted, under any circumstances, to have the ability to operate Loadcraft Industries, Ltd.

5. “Any attorney-client privilege would belong to Loadcraft Industries, Ltd., not Terry McIver. It also would not belong to Lou Collazo or Kendra Oldham who are not officers of Loadcraft Industries, Ltd. Therefore, I dispute that Mr. McIver has or will sustain any irreparable harm or injury for which there is no adequate remedy at law.

6. “The lawsuit styled Cause No. D-1-GN-21-002825; *Alphonso Energy, LLC, Charles Hinkle, and Nestor Outcomes LLC v. Loadcraft Industries, Ltd., Terry McIver, and Glider Products, LLC*; In the 98th Judicial District Court, Travis County, Texas should not have any privileged information anyway. This lawsuit was filed on June 17, 2021. Immediately Terry McIver filed a Motion to Transfer Venue on July 21, 2021. A hearing on Terry’s Motion was held

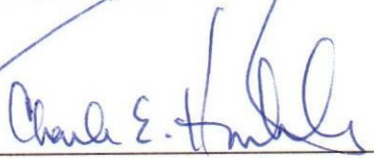


on November 18, 2021, and as the Court still has not issued a ruling, no action has occurred in this lawsuit. No discovery has been conducted.

7. On behalf of Nestor Outcomes LLC, I voted to remove Brady Plant Operators LLC as the general partner of Loadcraft Industries, Ltd.

8. As reflected in Exhibits 3 and 4 I approved the filing of the bankruptcy on behalf of Brady Plant Operators LLC. This action was ratified by Glorious Splendor Too LLC as the general partner of Loadcraft Industries, Ltd. .

I declare under penalty of perjury that the foregoing is true and correct. Executed on this the 11 day of January 2022.


Charles Hinkle, individually and as
Manager of Nestor Outcomes LLC

